

REMARKS

Claims 1-6 and 8-19 are currently pending in the application. Claim 7 is canceled. Claims 1, 4-6 and 10-11 are amended. Claims 13-19 are new. Claim 3 is allowed. The amendments and new claims find support in the specification and are discussed in the relevant sections below. No new matter is added. The fee for the new claims is enclosed.

Amendments to the Title and Specification

The Office Action objects to the title, stating that it is not descriptive. The title has been amended as suggested, namely, to match the title as it was amended in the International Search report of the published PCT application. The title now reads "Analogues of Gastric Inhibitory Polypeptide and Their Use for Treatment of Diabetes". Future papers filed with the Office will reference this title.

A paragraph entitled "Cross Reference to Related Applications" has been added to the specification. The priority information represented therein is the same as that listed on the Filing receipt, and thus does not constitute new matter.

The Office Action also objected to the specification due to various informalities and minor typographical errors. These have been corrected in the amendments to the specification as set forth above.

Applicants respectfully request entry of the amendments.

Allowable Claims

Applicants appreciate the Examiner's observation of the allowability of claim 3, and that other claims would be allowable if rewritten. Applicants therefore submit herewith new claims 13-19.

Claim 13 represents the subject matter of claim 2, rewritten in independent form, including all of the limitations of amended claim 1, as suggested by the Examiner. Claim 14 represents the subject matter of amended claim 4, but depends from allowed claim 3 (claim 4 has

been amended to depend from claim 1 only). Claim 15 represents the subject matter of amended claim 5, but depends from allowed claim 3 (claim 5 has been amended to depend from claim 1 only). Claim 16 represents the subject matter of amended claim 6, but depends from allowed claim 3 (claim 6 has been amended to depend from claim 1 only). Claim 17 represents the subject matter of claim 8, but depends from allowed claim 3 (claim 8 has been amended to depend from claim 1 only). Claim 18 represents the subject matter of claim 9, but depends from allowed claim 3 (claim 9 depends from claim 8, which has been amended to depend from claim 1 only). Claim 19 represents the subject matter of claim 12, but depends from allowed claim 3 (claim 12 has been amended to depend from claim 1 only).

The new claims are written based on the subject matter of previously-existing claims, and therefore do not represent new matter. Applicants respectfully request entry of the new claims.

Claim Rejections Under 35 U.S.C. § 101

Claim 7 has been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, *i.e.*, “use” of an analog. Claim 7 has been canceled.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 4, 5, 6, 7, 10 and 11 are rejected under 35 U.S.C. § 112, second paragraph.

Claim 7 has been canceled. Claims 4, 5, 6 and 11 have been amended as suggested in the Office Action to use standard Markush terminology.

Claim 10 has been amended to recite that the tyrosine is modified, and then added to the N-terminus of a GIP which is complete except for the last (*i.e.*, penultimate) N-terminal amino acid. This is supported by the specification at page 12, line 6 to page 13, line 5.

Claims 4-6 are also objected to under 37 C.F.R. § 1.75(c), the Office Action stating that these claims fail to further limit the subject matter of the claims 1 and 3, from which they depend. Claims 4-6 have been amended to recite that they further comprise additional modifications over those modifications recited in claims 1 and 3. This is supported by the specification at pages 6-7.

Claim 7 is objected to under 37 C.F.R. § 1.75(c), the Office Action stating that is a multiple dependent claim depending from another multiple dependent claim. Claim 7 has been canceled, thereby obviating the rejection.

Applicants respectfully request entry of the amendments, and that the rejections on this basis be reconsidered and withdrawn.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1 and 6-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fujii *et al.* (*Chem. Pharm. Bull.*, 34(6):2397-2410 (1986)) ("Fujii"). The Office Action states that this reference teaches the chemical synthesis of human GIP where the tyrosine residue at position 1 is modified at its sidechain with OChp.

Claim 7 has been canceled.

Applicants respectfully submit that Fujii describes the solution phase peptide synthesis of human GIP(1-42) by linking eight separate component peptide fragments. Applicants' peptides, in contrast, possess novel modifications not described by Fujii.

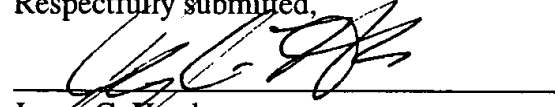
Applicants note that Fujii does not teach or suggest that the tyrosine at position 1 is a Tyr-glucitol, as is recited in amended claim 1. Claim 3 also recites Tyr¹-glucitol GIP. Claims 6 and 8 depend from claim 1 or claim 3, and therefore include the limitations of those claims. Fujii therefore does not teach a Tyr-glucitol at position 1.

Because Fujii does not teach a Tyr-glucitol at position 1, this reference cannot anticipate the claims, and Applicants respectfully request that the rejection on this basis be reconsidered and withdrawn.

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Amendment and Reply
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Applicants submit that all of the claims are now in condition for allowance, which action is requested. Please apply any charges or credits to Deposit Account No. 50-1721.

Respectfully submitted,



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